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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/249,216	02/12/1999	JANNE LAAKSO	297-008493-U	9691

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CLARENCE A GREEN  
PERMAN & GREEN  
425 POST ROAD  
FAIRFIELD, CT 06430

EXAMINER

MOORE, JAMES K

ART UNIT

PAPER NUMBER

2681

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Please find below and/or attached an Office communication concerning this application or proceeding.



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**MAILED**  
**JUN 27 2003**  
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 17

Application Number: 09/249,216

Filing Date: February 12, 1999

Appellant(s): LAAKSO ET AL.

\_\_\_\_\_  
Henry I. Steckler

For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed April 1, 2003.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

The rejection of claims 1-10, 13, 15, and 16 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

**(8) *Claims Appealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) Prior Art of Record**

6,067,446	Persson et al.	05-2000
5,937,014	Pelin et al.	08-1999
5,574,984	Reed et al.	11-1996
5,491,837	Haartsen	02-1996

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-9, 13, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Persson et al. in view of Pelin et al. This rejection is set forth in prior Office Action, Paper No. 10.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Persson et al. in view of Pelin et al., and further in view of Reed et al. This rejection is set forth in prior Office Action, Paper No. 10.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Persson et al. in view of Pelin et al., and further in view of Haartsen. This rejection is set forth in prior Office Action, Paper No. 10.

**(11) Response to Argument**

Persson is directed towards a method of power control of a bearer channel used by a mobile station in a radio communication system to communicate with a base station. Persson teaches a control function that is formed partly on the basis of a quantity (path loss  $L_j$ ) characterizing the bearer channel. The control function is used to determine new output power values of the bearer channel. See col. 5, lines 51 through

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col. 8, line 39. Since the control function (see equation 13) includes path loss as a variable, the new power level resulting from this function inherently compensates for the negative result that path loss effects on a bearer channel signal. The primary objective of the invention is to adjust the power level associated with a mobile station in response to the changing needs of a mobile station. See col. 3, lines 18-22. This provides motivation to include other variables (such as fast fading) that induce the need to adjust the power level.

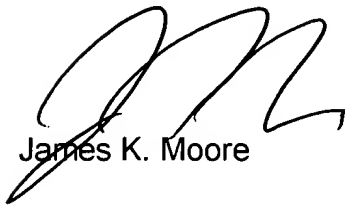
Pelin is directed towards a method of processing a signal received in a radio communication system. The applicant argues that one of ordinary skill in the art would not be motivated to combine the techniques of Persson and Pelin. See Appeal Brief, page 4, final paragraph. However, the examiner has not suggested that it would have been obvious to combine the techniques of Persson and Pelin. Instead, the examiner has cited Pelin only to provide evidence that one of ordinary skill in the art knows that fast fading is a characteristic of a radio bearer channel which (like path loss) has a negative effect on communication quality. See col.1, lines 13-21. Pelin therefore illustrates that there is motivation to compensate for the effect that fast fading has on a radio communication signal. Since Persson teaches forming a power control function partly on the basis of a variable representing a negative characteristic of a bearer channel (path loss), and generating a new power value that compensates for this variable, it would have been obvious to use Persson's method to also compensate for the effect of fast fading.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,



James K. Moore

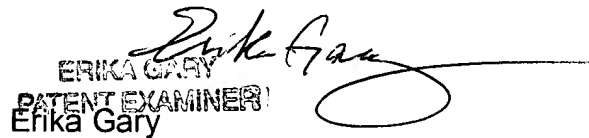
June 26, 2003

Conferees



Dwayne Bost

DWAYNE BOST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600



ERIKA GARY  
PATENT EXAMINER  
Erika Gary

CLARENCE A GREEN  
PERMAN & GREEN  
425 POST ROAD  
FAIRFIELD, CT 06430